

PATENT
ATTORNEY DOCKET NO.: 066448-0014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Dana AYLOR)
Application No.: Filed Herewith) Group Art Unit: Unassigned
For: DECORATIVE BLOWN GLASS AND THE) Examiner: Unassigned
METHOD OF ITS PRODUCTION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF MARIE SMRCKOVA UNDER 37 C.F.R. 1.68

I, Marie Smrckova, hereby declare and state that:

I am a member of Ing. Marie Smrckova, Patent and Trademark Agency, located at
Velflikova 8, 160 00 Praha 6, Czech Republic;

At the request of my client, Mrs. Dana AYLOR, I filed in the Czech Republic, the above-identified application on February 28, 2003 under application Serial No. PV 2003-602;

Per my client's request to file the application in the United States, in July 2003, I contacted Mr. Lawrence R. Radanovic, Esq. of Dykema Gossett PLLC, Reg. No. 23,077, to file the application in the United States, and in the process determined that a retroactive foreign filing license must be obtained before filing of the application in the United States;

At the time of filing the Czech application, on which convention priority under 35 U.S.C. 119 is based, I was unaware that a foreign filing license must first be obtained in connection with the filing of a patent application on an invention made in the United States;

Under the requirement of 37 C.F.R. 5.25(a)(3)(i), to the best of my knowledge and belief, the subject invention was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;

Based upon the aforementioned facts, under the requirement of 37 C.F.R. 5.25(a)(3)(ii), I diligently sought the filing of a retroactive license for foreign filing, along with the filing of the application in the United States;

Based upon the aforementioned facts, under the requirement of 37 C.F.R. 5.25(a)(3)(iii), the Czech patent application was first filed by my Office through error, and without deceptive intent and without the required license under section 5.11 having first been obtained;

To the best of my knowledge and belief, the invention set forth in the subject Czech application does not disclose an invention within the scope of 35 U.S.C. 181; and

To the best of my knowledge or belief the subject invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract, or arrangement entered into with or for the benefit of United States Atomic Energy Commission or its successors, Energy Research and Development Administration or the Department of Energy.

The undersigned declares further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, and that all statements made of his own knowledge are true and all statements made herein on information and belief are believed to be true.

Date: Sept. 15, 2003 
Marie Smrckova

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P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION OF DANA AYLOR UNDER 37 C.F.R. 1.68

I, Dana AYLOR, hereby declare and state that:

I am the inventor of the invention set forth in the above-identified application;

I am a citizen of the United States of America, residing at 61-128 Cooper Ave., Glendale, New York 11385;

The invention as set forth in the above-identified application was made by me in the United States;

I thereafter moved to the Czech Republic and resided at Krusovice 37, 270 53 Krusovice, Czech Republic;

While residing in the Czech Republic, I decided to apply for a Czech patent with the intent to apply for a patent in the United States;

I contacted my agent, Ms. Marie Smrckova in the Czech Republic, who on February 28, 2003 filed my application under Serial No. PV 2003-602;

I thereafter requested my agent to file the application in the United States with a claim for priority under 35 U.S.C 119;

In July 2003, my agent contacted Mr. Lawrence R. Radanovic, Esq. of Dykema Gossett PLLC, Reg. No. 23,077, to file the U.S. application, and in the process determined that a

retroactive foreign filing license must be obtained before filing of the application in the United States;

Under the requirement of 37 C.F.R. 5.25(a)(3)(i), to the best of my knowledge and belief, the subject invention was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order;

Based upon the aforementioned facts, under the requirement of 37 C.F.R. 5.25(a)(3)(ii), me and my agent diligently sought the filing of a retroactive license for foreign filing, along with the filing of the application in the United States;

Based upon the aforementioned facts, under the requirement of 37 C.F.R. 5.25(a)(3)(iii), the Czech patent application was first filed through error, and without deceptive intent and without the required license under section 5.11 having first been obtained;

To the best of my knowledge and belief, the invention set forth in the subject Czech application does not disclose an invention within the scope of 35 U.S.C. 181; and

To the best of my knowledge or belief the subject invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract, or arrangement entered into with or for the benefit of United States Atomic Energy Commission or its successors, Energy Research and Development Administration or the Department of Energy.

The undersigned declares further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, and that all statements made of his own knowledge are true and all statements made herein on information and belief are believed to be true.

Date: Sept. 15, 03

Dana Aylor
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